CONSTITUTION

OF THE
UMKUMIUT TRIBE

Umkumiut, Alaska
January 2001

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PREAMBLE

We, the Umkumiut Tribe, assert our freedom as a sovereign people in a historical relationship with the United States of America as expressed through this Constitution to affirm our faith in fundamental Native Rights and traditions, and, to promote our tribes' social, cultural, educational, economical and political aspirations under the inherent sovereign authority of our Tribe. This Constitution was adopted by the tribal voters in October 17th of 2002 and shall supersede the previous and revised Umkumiut Constitutions.

ARTICLE 1 - TITLE

The name of our tribe shall be the Umkumiut Tribe. The name of our governing council shall be the Umkumiut Tribal Council. The other names that have been used in the past for our tribe include Native Village of Umkumiut and Native Community of Umkumiut. These former names shall be superseded with the adoption of this Constitution.

ARTICLE 2 - TERRITORY

The territorial jurisdiction of the Umkumiut Tribe shall extend and include to all lands and waters constituting the Indian country of the Umkumiut Tribe as defined by federal and tribal law. To the extent consistent with federal law, such lands and waters shall include, but not limited to, all lands and waters customarily and traditionally used by the people of Umkumiut, including lands withdrawn for selection by Chinuruk, Inc. for the Native people of Umkumiut under the Alaska Native Claims Settlement Act (P.L. 92.60), those Calista Corporation lands which are adjacent to Chinuruk, Inc. lands traditionally used by the people of Umkumiut, all lands within the traditional lands of Umkumiut, regardless of the issuance of any patented or unrestricted fee title to any such lands.

ARTICLE 3 - MEMBERSHIP

Section 1. Base Membership Roll. The membership of the Umkumiut Tribe shall consist of all Alaska Natives whose names appear on the base membership roll adopted by the Umkumiut Tribal Council.

Section 2. Qualifications for Membership. Lineal descendants of members listed on the base roll shall be automatically eligible for membership in the Umkumiut Tribe, subject to the provision of this Constitution and to any membership and enrollment ordinances enacted pursuant to this Constitution.

Section 3. Adoption of Members. The Tribal Council shall have the option to adopt any Alaska Native person, who is not a descendant of members listed in the base roll, according to the provisions of tribal membership and enrollment ordinances.

Section 4. Membership Ordinances. The Council shall have the power to enact ordinances and resolutions, not inconsistent with this Constitution, prescribing rules and regulations governing membership, including application and such appeal procedures, loss of membership, dual enrollments, and adoption of members.

ARTICLE 4 – GOVERNING BODY

Section 1. Name. The governing body of the Umkumiut Tribe shall be the Umkumiut Tribal Council, also referred to as the Council or Tribal Council in this Constitution. The Council shall represent the Tribe and shall exercise the powers invested by the Tribe as delegated by this Constitution.

Section 2. Composition. The Council shall consist of five members who shall be elected by a majority vote of the qualified voters of the Tribe. All five Council members shall be entitled to vote during meetings of the Council, except on matters involving conflict of interest. The seat that each member files shall be assigned a letter and a clear record of term length for each seat shall be kept. The seats shall be identified by the letters A through E.

Section 3. Quorum. Three (3) Council members shall constitute a quorum for the transaction of business at any meeting of the Tribal Council.

Section 4. Officers. The officers of the Council shall include a First President, Vice-President, Secretary and Treasurer. Officers shall be appointed each year after the annual Council elections in October.

Section 5. Qualifications for Tribal Council. (A) Any person may be a candidate for any elective office unless he/she has the qualifications of a voter, eighteen (18) years of age. (B) Any person who has been convicted of a felony cannot be a candidate for any elective office. (C) To protect the well being and harmony of the members of the Umkumiut Tribe, a person must be born and raised on Nelson Island (a.k.a. "Qaluyaaq"), or, a lineal descendent of such members who were enrolled prior to the Native Village of Umkumiut's recognition by the Federal Government.

ARTICLE 4 – GOVERNING BODY – CONT.

Section 6. Terms of Office. The first regular election of officials under this Constitution shall be held at the specified time but no longer than sixty (60) days after this Constitution is adopted. All terms of office shall be staggered years. All Tribal Council members elected will determine the years using a form of lottery entry. The years that are determined will be one (1) member for a one (1) year term, two (2) members for a two (2) year term, and two (2) members for a three (3) year term. All Tribal Council members shall hold their offices until successors are duly elected and seated.

Section 7. Conflict of Interest. No Council shall vote on matters including but not limited to employment contracts, project funding, project allocations and appointments to tribal committees, in which he/she has a personal interest. A personal interest includes involvement of his or her spouse, children, siblings, parents and grandparents. Council members present in such cases shall reveal such conflict of interest prior to any vote.

ARTICLE 5 – DUTIES OF OFFICERS

Section 1. Assuming Duties. Newly elected officers shall swear in to their respective office and duties immediately upon being elected.

Section 2. President. The President shall preside over all meetings of the tribe and shall attend to general supervision of the Tribal Council issues. The President shall sign, with Vice-President, Secretary or Treasurer, all contracts, leases, or other such documents that are approved by a quorum of the Council. He or she shall vote in all cases except on the matter of his or her removal or when there is a conflict of interest. When the Council is not in session, he or she shall be the official representative of the tribe.

Section 3. Vice-President. The Vice-President shall assist the President when called upon to do so. In absence of the President, he or she shall have the duties and responsibilities of the President, except signatory powers on contracts, leases, or other such documents.

Section 4. Secretary/Treasurer. The Secretary/Treasurer shall take or delegate the taking of the minutes at all meetings. In the absence of the President and Vice-Presidents, the Secretary/Treasurer shall preside over Council meetings. The Secretary/Treasurer shall carry out the financial directives of the Council, receive all tribal monies and keep accurate account of the receipts and disbursements, except when these duties are otherwise delegated by the Council. The Secretary/Treasurer shall give a financial report as requested by the Council. Upon vacating his or her office, the Secretary/Treasurer shall turn over all the records and papers in his or her possession to his or her successor or to the Council.

ARTICLE 6 – POWERS OF THE UMKUMIUT TRIBAL COUNCIL

Section 6. Powers. The Tribal Council shall exercise the following powers by appropriate activity, motion, resolution or ordinance, subject to any limitations imposed by this Constitution or applicable laws of the United States of America.

a. To consult, negotiate, contract, or conclude agreements with the federal and state, local and tribal governments on activities, which may affect the Umkumiut Tribe.

b. To promote and protect the peace, health, education and general welfare of the members of the Tribe, and to administer charity and other such services as may contribute to the social and economic development of the Tribe and its members.
c. To levy and collect taxes, fees and assessments for tribal purposes.
d. To regulate the internal procedures of the Tribal government.
e. To encourage, guard and foster traditionally cultural practices of the Umkumiut community, including art, crafts religion, language and customs of the community.

ARTICLE 6- POWERS OF THE UMKUMIUT TRIBAL COUNCIL-CONTINUED

f. To prevent the sale, disposition, lease or encumbrance of tribal lands interests in lands or other tribal assets without the consent of the Umkumiut Tribe.
g. To acquire property and accept gifts.
h. To administer tribal assets including funds and manages all economic affairs and enterprises of the Tribe.
i. To engage in tribal economic development enterprises for the benefit of tribal members.
j. To provide for the maintenance of law and order and the administration of justice, including the establishment of appropriate tribal courts and other judicial bodies.
k. To enact ordinances consistent with this Constitution for the conduct and administration of all tribal functions.
l. To pass ordinances governing future membership, loss of membership and the adoption of members.
m. To regulate inheritance among members whether by intestacy or otherwise.
n. To administer any funds within the control of the Tribe.
o. To regulate child custody and other domestic relations among tribal members.
p. To protect and preserve the wildlife and natural resources within the area under the jurisdiction of the tribe or upon which its members rely for subsistence.
q. To regulate and control the use of natural resources within those areas under the jurisdiction.
r. To employ legal council, determine choice of council, and to set legal fees.
s. To join and/or charter housing authorities.
t. To protect member's rights in personal property.
u. To zone, exercise the power of eminent domain, and otherwise regulate all land use within those under the jurisdiction of the Tribe.
v. To enact ordinances, procedures and regulations necessary to give effect to any provisions of this constitution, and to exercise any power not prohibited by federal law or reserved to the tribal – membership.

ARTICLE 7 – POWERS RESERVED FOR MEMBERSHIP

Section 1. Tribal Lands. The following powers are specially reserved to the qualified voters of the Umkumiut Tribe acting through a property called election or tribal membership meeting.

(a) No lands or interests in lands owned by the Tribe may be sold, leased, encumbered or disposed Of without an affirmative vote of at least seventy-five (75%) percent adult, resident tribal members.
(b) Nothing in this Article shall prohibit the Tribal Council from establishing and administering a tribal Land assignment program through a tribal ordinance.

ARTICLE 8 - VACANCIES

Section 1. Removal. Any Tribal Council member found guilty by the tribal Council of neglect of duty, gross misconduct in office, or any offense involving dishonesty may be removed from office by the Tribal Council. Three (3) Tribal Council members must vote in favor of the removal. A council member subject to removal shall first be given ten (10) days notice in writing of the charges against him or her, and be given an opportunity to answer such charges before the Tribal Council. If the person subject to removal fails to appear before the council, the council may preside over a meeting in which his or her removal is being considered. All questions of removal under this Section shall be resolved by the Tribal Council and the decision of the Tribal Council shall be final.

Section 2. Recall. Any member of the Tribal Council may be recalled by the tribal voters through a petition and election process. A petition requesting such recall, shall be signed by at least seventy-

-five (75%) percent of the eligible voters, and presented to the Tribal Council. Within thirty (30) days of receipt of such petition, the Council shall call an election under the guidelines of Article 9, section 4, of this Constitution to consider the recall; the tribal membership may hold a tribal membership meeting to conduct such meeting. Voting by a minimum of twenty (20) resident, tribal voters is required to conduct a recall election. No official may be subjected to recall proceedings more than once in the course of his or her term.

Section 3. Forfeiture. Any member of the Tribal Council who submits a written resignation, is convicted of a felony or corruption while in office, or is absent from three regular meetings within a six month period without being excused by the Council, shall automatically forfeit his or her seat.

Section 4. Vacancies. Any vacancy in the Tribal Council shall be filled by appointment by the Tribal Council. A Tribal Council member appointed to fill a vacancy shall only serve for the unexpired portion of the term for that seat.

ARTICLE 9 - ELECTIONS

Section 1. Voter Certifications. Any enrolled member of the Umkumiut Tribe, eighteen (18) years of age or older, who is a resident in for at least six (6) months prior to an election, shall be qualified to vote.

Section 2. General Guidelines for Elections. All elections shall be conducted by secret ballot. Unless otherwise specified by this Constitution or by the tribal ordinance, the outcome of an election shall be determined by majority vote of the qualified voters casting their ballots during an election.

Section 3. Tribal Council Elections. The Tribal Council shall set a date every year for regular elections to be held in October, and shall give at least two (2) weeks notice of such elections, posted in at least three (3) public places. If the Tribal Council fails to hold Tribal Council Elections, the tribal membership may hold a tribal membership meeting under the provisions of this Constitution to conduct Tribal Council elections.

Section 4. Special Elections. The Council may, be resolution, call a special election upon giving at least two (2) weeks notice to the tribal members, posted in at least three (3) public places.

Section 5. Election Committee. The Council shall appoint an election committee of three (3) adult tribal members prior to election to supervise, administer, and conduct tribal elections. The election committee shall certify election results. In the event of election disputes, the determination of the election committee shall be final. In elections for seats on the Umkumiut Council, no member of the election committee shall at the same time be a member of the Council or a candidate for a position of the Council.

Section 6. Election Ordinance. An election ordinance, consistent with this Constitution, shall be adopted by the Council following the effective date of this Constitution which shall set forth the procedures to be followed in conducting election Ordinances.

ARTICLE 10 – POPULAR PARTICIPATION

Section 1. Initiative. The qualified voters of the tribe shall have the right to bring issues to vote, not inconsistent with this Constitution, through a valid petition signed by at least seventy-five (75%) percent adult, resident, tribal members. The Council shall call an election to be conducted by the election committee no later than thirty (30) days after the receipt of the petition. If the Council fails to act on the petition, the issue may be brought before a tribal membership meeting. If the petition calling for an initiative is valid, a new petition calling for such a meeting shall not be required. Notice shall be posted in at least three (3) public places, at least three (3) weeks in advance. A quorum of such meeting shall be a minimum of twenty (20) adult, resident, tribal members.

Section 2. Referendum. The Council by an affirmative vote of at least five (5) of its members, may refer issues to the tribal membership in a tribal election. Such an election shall be conducted by the election committee within thirty (30) days of such Council decision. An affirmative vote by a majority of its qualified voters at a tribal membership meeting where a quorum is established, or where at least twenty (20) adult, resident, tribal members vote during polling hours, shall be required to determine the Tribe's position on the issues submitted to a vote.

Section 3. Initiative and Referendum Decisions. The decision of the voters in both initiative and referendum elections shall be binding on the Council and the Tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms.

ARTICLE 11 – CIVIL RIGHTS

Section 1. Access to Tribal Records. Tribal members shall have the right to review all tribal records, including financial records, during office hours in accordance with procedures established by the Tribal Council, except in child welfare cases, litigation, personnel, enrollment records other than lists of tribal member names or council resolutions enrolling members, and other confidential records as defined by tribal ordinance.

Section 2. Proposal of Ordinances. Tribal members have the right to propose ordinances to the Tribal Council. Tribal members have the right to be present and allowed to speak at tribal meetings when ordinances are being considered and/or voted upon.

Section 3. Attending Tribal Council Meetings. Tribal members have the right to attend all Council meetings, except when the Council is in executive session and when the Council is acting as the Umkumiut Tribal Court.

Section 4. Indian Civil Rights. The Umkumiut Tribal Government shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968, as amended. In summary, the Tribal Government shall:

(1) Not prohibit the free exercise of speech, press, religion or rights of the people to assemble peacefully or file grievances against the tribal government.
(2) Not allow unreasonable search and seizure or issue search warrants without probable cause.
(3) Not try anyone for the same offence twice.
(4) Not make any person testify against him or herself in a criminal matter.
(5) Not take private property for public use without paying the owner the fair market value.
(6) Not deny a person the right to a speedy public trial. A speedy public trial is generally assumed to be a trial within ninety (90) days or less. The accused person must be informed of the nature of the crime he or she is accused of, told about a witness against him or her. be allowed to have a witness testify in his or her behalf and be allowed a lawyer at his or her own expense.
(7) Not impose excessive bail or fines, nor impose cruel or unusual punishments. Tribal courts may not impose a penalty greater than $5,000 or one (1) year in jail, or both for the one offense.
(8) Give all persons equal protection under tribal laws.
(9) Not pronounce anyone guilty of a crime or civil violation without a fair hearing. The tribal government shall not pass an ordinance or change penalties, after an incident (Ex Post Facto).
(10) Provide anyone accused of an offense punishable by a jail time the right to a trial of no less than five (5) persons.

ARTICLE 12 - MEETINGS

Section 1. Regular meetings of the Tribal Council. Regular meetings of the council shall be held during the second week of each month on Friday. At the end of each meeting, the council shall designate the time, place and date for the next regular meeting. Notice of the meetings shall be posted at least three (3) days prior to meetings in three (3) public places in Nightmute. All regular meeting shall be open to the tribal membership.

Section 2. Special Meetings. A quorum of the Council or the First Chief may call a special meeting upon giving at least a twenty –four (24) hour notice to tribal members, in at least three (3) public places in Nightmute.

Section 3. Emergency Meetings. The Council may meet for an emergency meeting without notice when emergency situations warrant such a meeting. Decisions made at emergency meetings shall only be effective until a regular meeting of the Council is held.

Section 4. Executive Session. The Tribal Council may move to meet in a closed executive session during regular, special or emergency meetings of the Tribal Council when the subject matter concerns child welfare, personnel, litigation, removal of Council members, tribal enrollment confidential records, and other matters made confidential by tribal ordinance.

Section 5. Tribal Membership Meetings. An annual meeting of the Umkuiut tribal membership shall be held each year in October. The date, time and place shall be determined by the Council. The Council may also call tribal membership meetings provided that notice is posted in at least three (3) public places, three (3) weeks in advance. A tribal membership may also be called by the tribal membership upon circulating a petition which at least seventy-five (75%) percent adult, resident tribal members have signed. Notice for meetings called by the tribal membership shall be posted in at least three (3) public places, three (3) weeks in advance. The minimum quorum number for holding tribal membership meetings shall be twenty-five (25%) percent adult, resident tribal members.

ARTICLE 13 – SAVINGS AND SEVERIBILITY

Section 1. Savings. Unless inconsistent with this Constitution, all tribal ordinances enacted prior to adoption of the Constitution shall remain in effect.
Section 2. Severability. If any provision of this Constitution shall, in the future, be declared invalid by a Court or competent jurisdiction, the invalid provision shall be severed and the remaining provision shall Continue in full force and effect.

ARTICLE 14 - AMENDAMENTS

Section 1. Amendments by the Tribe. This Constitution may be amended by a majority vote of the tribal members when a minimum of twenty-five (25%) percent adult, resident, tribal members cast an affirmative vote in such election. Notice concerning amendments to this Constitution shall be posted in at least three (3) public places, at least three (3) weeks in advance to such election.

ADOPTION

The adoption of this Constitution shall require a majority vote in an election in which at least seventy-five (75%) percent adult, resident, tribal members of the Umkumiut Tribe cast their ballots. This Constitution shall be effective from the date of tribal membership approval through such election.

CERTIFICATE OF RESULTS OF ELECTION

This Constitution of the Umkumiut Tribe was submitted to the qualified voters of the Tribe and on October 17 was duly adopted by a vote of 19 for, and 0 against, in an election conducted in accordance with Article 8 of this Constitution.

Katie Tony
Chairman, Election Board

Member, Election Board

Member, Election Board

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SIGNATURES:

Andrew George, President

Peter Dull Sr., Secretary

Raymond Watson, Chairperson
Myron P. Naneng Sr., President
Phone (907) 543-7300
Fax (907) 543-3369

AVCP

The Association of Village Council Presidents
Tribal Services Division
Pouch 219, Bethel, AK 99559

To: All Villages
From: Tribal Services Department
Date:
RE: Update Contact List info

Please help us update our Tribal Council and Administrative listing and contact informati Please fax back to Tribal Services Department at 1-907-543-7379 as soon as possible. Thar you.

Name of Council: UmKumiut Tribal Council

Mailing Address: P.O. Box 90062, Nightmute, AK 99690

Phone Number(s): 907-647-6145

Fax Number(s): 907-647-6146

Email Address(es): UmKumiut@yahoo.com

President: Joseph Tony **Term ending** 10/13

Vice President: Peter Dull, Sr **Term ending** 10/15

Secretary **~~Member:~~** Mark Mark **Term ending** 10/14

Treasure **~~Member:~~** Simon Jumbo **Term ending** 10/14

Member: Elizbeth Agnus **Term ending** 10/13

Member: **Term ending**

Administrator: Nick Tom, Jr

Bookkeeper: Ignace Matthais

Other staff: Enrollment: Bertha George,

Regular Office Hours: Monday - Friday 9AM - 5PM